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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,121	04/01/2004	Egan Schulz	P3146US1 (60108-0094)	8492
46258 7590 05/12/2008 HICKMAN PALERMO TRUONG & BECKER LLP/Apple Inc. 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110-1083				
EXAMINER				
GODBOLD, DOUGLAS				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,121

Applicant(s)

SCHULZ, EGAN

Examiner

DOUGLAS C. GODBOLD

Art Unit

2626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 20-30 and 39-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 20-30 and 39-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to correspondence filed February 21, 2008 in reference to application 10/816,121. Claims 1-11, 20-30, and 39-49 are pending in the application and have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 21, 2008 has been entered.

Response to Amendment

3. The amendments to the claims have been accepted and considered in this office action. Claims 1, 20, and 39 have been amended, and claims 12-19, 31-38 and 50-52 have been cancelled.

4.

Response to Arguments

5. Applicant's arguments filed 21 February 2008 have been fully considered but they are not persuasive.

6. With regards to applicants arguments, see remarks page 9, that the limitation "obtaining said input occurs at a time in which no selection overlay exists" is supported in the specification, the examiner respectfully disagrees. Nowhere in the cited portion of the specification is it specifically taught that obtaining said input occurs at a time in which no selection overlay exists. Although one could deduce that it may be possible, this limitation is not specifically taught, and therefore the rejection of claims 1, 20 and 39 under 35 U.S.C. 112 first paragraph stand.

7. Applicant's remaining arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. **Claims 1, 20, and 39** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

10. Regarding **claims 1, 20, and 39**, applicant has not pointed out where the amended claims are supported, nor does there appear to be a written description of the

claim limitation "obtaining said input occurs at a time in which no selection overlay exists" in the application as filed.

Claim Rejections - 35 USC § 102

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. **Claims 1-10, 20-29, and 40-52** are rejected under 35 U SC 102(a) as being anticipated by Digidesign Pro Tools Reference Guide ("PRO TOOLS")

13. Regarding **claim 1**, PRO TOOLS teaches a method for manipulating at least one audio file via a graphical user interface comprising:

displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

displaying a waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time points ("with the Selector, drag to select the material for the new region or regions", p. 215, see also figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify

the two time points), and where the first time point and the second time point are identified by a user utilizing an input device to select the first time point and the second time point within said timeline component (page 209, selections may be made within timeline, and if the edit and timeline selections are linked, they will be mirrored. Page 210 shows setting the first and second time points.) ;

generating an initial selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time point (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted);

wherein generating said initial selection overlay is performed in response to obtaining said input (see p. 200, "when you make a selection, it appears as a highlighted area of the track"); and

wherein obtaining said input to said timeline component occurs at a time in which no selection overlay exists on either said timeline component or said waveform component (see p. 215, the selected track material is inherently not highlighted prior to being selected).

14. Regarding **claim 2**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

15. Regarding **claim 3**, PRO TOOLS further teaches that said area of said selection overlay is highlighted (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

16. Regarding **claim 4**, PRO TOOLS further teaches that said set of time points represents intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

17. Regarding **claim 5**, PRO TOOLS further teaches:
generating a visual representation on said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

18. Regarding **claim 6**, PRO TOOLS further teaches that said visual representation indicates a start point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

19. Regarding **claim 7**, PRO TOOLS further teaches that said visual representation indicates an end point of said selection overlay (see p. 215, figure labeled "Dragging

later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

20. 14. Regarding **claim 8**, PRO TOOLS further teaches:

performing at least one special function to said area of said audio file associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

21. Regarding **claim 9**, PRO TOOLS further teaches that said at least one special function comprises a copy operation (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

22. Regarding **claim 10**, PRO TOOLS further teaches that said copy operation comprises generating a new instance of said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

23. Regarding **claim 20**, PRO TOOLS teaches graphical user interface for manipulating at least one audio comprising:

a first element displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

a second element displaying a waveform component that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

a third element for obtaining user input to said timeline component where said input identifies a first time point and a second time point of said set of time points ("with the Selector, drag to select the material for the new region or regions", p. 215, see also figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points), and where the first time point and the second time point are identified by a user utilizing an input device to select the first time point and the second time point within said timeline component (page 209, selections may be made within timeline, and if the edit and timeline selections are linked, they will be mirrored. Page 210 shows setting the first and second time points.);

a fourth element indicating an initial selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time point (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted);

wherein the fourth element indicates said initial Selection overlay in response to the third element obtaining said input (see p. 200, "when you make a selection, it appears as a highlighted area of the track"); and

wherein the third element obtains said input at a time in which no selection overlay exists on either said timeline component or said waveform component (see p. 215, the selected track material is inherently not highlighted prior to being selected).

24. Regarding **claim 21**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

25. Regarding **claim 22**, PRO TOOLS further teaches that said area of said selection overlay is highlighted (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

26. Regarding **claim 23**, PRO TOOLS further teaches that said set of time points represents intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

27. Regarding **claim 24**, PRO TOOLS further teaches:

a fifth element providing a visual representation on said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

28. Regarding **claim 25**, PRO TOOLS further teaches that said visual representation indicates a start point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

29. Regarding **claim 26**, PRO TOOLS further teaches that said visual representation indicates an end point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

30. Regarding **claim 27**, PRO TOOLS further teaches: means for performing at least one special function to said area of said audio file associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

31. Regarding **claim 28**, PRO TOOLS further teaches that said at least one special function comprises a copy operation (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

32. Regarding **claim 29**, PRO TOOLS further teaches that said copy operation comprises generating a new instance of said area within said selection overlay (see p.

215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

33. Regarding **claim 39**, PRO TOOLS teaches a computer-readable storage medium ("on Macintosh or Windows", title page) storing computer readable program code for manipulating at least one audio file via a graphical user interface, said computer readable program code comprising computer program code configured to cause a computer to:

- display a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

- display a waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

- obtain input to said timeline component where said input identifies a first time point and a second time point of said set of time points ("with the Selector, drag to select the material for the new region or regions", p. 215, see also figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points) and where the first time point and the second time point are identified by a user utilizing an input device to select the first time point and the second time point within said timeline component (page 209, selections may be made within

timeline, and if the edit and timeline selections are linked, they will be mirrored. Page 210 shows setting the first and second time points.);

generate an initial selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time point (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted);

wherein said initial selection overlay is generated in response to obtaining said input (see p. 200, "when you make a selection, it appears as a highlighted area of the track"); and

wherein said input to said timeline component is obtained at a time in which no selection overlay exists on either an area of said timeline component or an area of said waveform component (see p. 215, the selected track material is inherently not highlighted prior to being selected).

34. Regarding **claim 40**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform component further comprises computer program code configured to cause said computer to display a data amplitude of said at least one audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

35. Regarding **claim 41**, PRO TOOLS further teaches that said computer program code configured to cause said computer to generate said selection overlay further comprises computer program code configured to cause said computer to highlight said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

36. Regarding **claim 42**, PRO TOOLS further teaches that said computer program code configured to cause said computer to obtain input to said timeline component further comprises computer program code configured to cause said computer to represent intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

37. Regarding **claim 43**, PRO TOOLS further teaches: computer program code configured to cause said computer to generate a visual representation of said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

38. Regarding **claim 44**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform component further comprises computer program code configured to cause said computer to indicate a start

point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

39. Regarding **claim 45**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform further comprises computer program code configured to cause said computer to indicate an end point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

40. Regarding **claim 46**, PRO TOOLS further teaches: computer program code configured to cause said computer to perform at least one special function with respect to said area of said audio file associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

41. Regarding **claim 47**, PRO TOOLS further teaches that said at least one special function comprises copying data associated with said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

42. Regarding **claim 48**, PRO TOOLS further teaches that said computer program code configured to cause said computer to perform said at least one special function

further comprises computer program code configured to cause said computer to generate a new instance of said area within said selection overlay (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

Claim Rejections - 35 USC § 103

43. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

44. **Claims 11, 30, and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over PRO TOOLS in view of Sound Forge 6.0 Users Manual ("SOUND FORGE").

45. Regarding **claim 11**, PRO TOOLS does not specifically teach that said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay.

In the same field of audio editing, SOUND FORGE teaches said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (Page 58, new audio files can be created by copying data to a new data

window. Data windows are shown on page 53, which contains both a timeline portion and a waveform component).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the copying into new files function of SOUND FORGE with the system of PRO TOOLS in order to allow new sound files to be created easily and conveniently.

46. Regarding **claim 30**, PRO TOOLS does not specifically teach that said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay.

In the same field of audio editing, SOUND FORGE teaches said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (Page 58, new audio files can be created by copying data to a new data window. Data windows are shown on page 53, which contains both a timeline portion and a waveform component).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the copying into new files function of SOUND FORGE with the system of PRO TOOLS in order to allow new sound files to be created easily and conveniently.

47. Regarding **claim 49**, PRO TOOLS does not specifically teach that said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay.

In the same field of audio editing, SOUND FORGE teaches said new instance comprises a second timeline component and a second waveform component comprising a portion of said audio data associated with said area within said selection overlay (Page 58, new audio files can be created by copying data to a new data window. Data windows are shown on page 53, which contains both a timeline portion and a waveform component).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the copying into new files function of SOUND FORGE with the system of PRO TOOLS in order to allow new sound files to be created easily and conveniently.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS C. GODBOLD whose telephone number is (571)270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626